(3) Civil Justice.

34. Reforms in the Judicial administration of the State.

Mr. K. C. Madhavan Pillai (Member, Ambalapuzha taluk) said that, under the existing rules, *villanga* or encumbrance certificates showing the encumbrances, if any, on immovable property for the 12 years previous had to be obtained from the registration offices and produced before courts, before a property could be brought to sale. The certificates as now given were imperfect and valueless, because, firstly, it purported to say nothing of the encumbrances on the property for the period anterior to the 12 years and secondly, it not only did not contain a declaration of the Sub-Registrar vouching to the accuracy of the facts entered in the certificate, but what was worse, there was a distinct statement usually made in it that the Government was not responsible for any mistakes or omissions therein even in respect of the 12 years covered by the certificate. Added to it, there was also the trouble that the applicants or their agents had themselves to wade through the registration records and gather the particulars of encumbrances relating to the property in question. The Member therefore requested that the certificates should either be dispensed with or the grant of a proper certificate, mentioning *all* encumbrances on the property with the Sub-Registrar's declaration vouching to the correctness of the entries, enforced.

He next dwelt at length on the delay in getting copies of records from civil courts and suggested that elaborate rules, fixing the time within which the records should be called for by the examiner and supplied by the record-keeper, and copies granted to the parties, should be prescribed and enforced. It was also necessary to maintain in every court a register showing all particulars relating to each application. The presiding officers of the courts should be required to examine the register once a week and enforce the grant of copies within the time prescribed. In that connection, the Member also suggested the necessity of insisting on the copyists writing the minimum number of words, *viz.*, 175, on each page, to avoid pecuniary loss to the applicants. He added that the pay of the copyists should be improved and some prospects of promotion also held out to them.

Lastly, the Member suggested the desirability of appointing temporary Additional Judges for short periods to clear off the arrears in some of the courts.

Dewan's reply.—The Member's remarks will be referred to the High Court for opinion.

35. Suggestions for the removal of certain irregularities in the Civil Courts.

Mr. Narayanar Janardanar (Member, Jenmi, Trivandrum Division) said that the summonses in the first trial of civil suits were often not personally served. The cases would in consequence be disposed of *exparte*, and when execution proceedings were initiated, the owner of the property for the first time appeared on the scene and preferred an objection and the case was at once retaken on the file. To add to the inconvenience of plaintiffs, the courts would only decree 6 per cent interest from the date of plaint, and the longer the suit was protracted, the greater was their pecuniary loss. He requested that the Government should find some way by which second trials in such cases could be avoided.

Secondly, he requested that the circulars regarding the grant of copies of decrees and other records should be rigidly enforced and copies ordered to be granted promptly.

Thirdly, he suggested the desirability of employing competent and high paid clerks to prepare decrees, and also insisting on the decrees being made ready within the period prescribed by the departmental circulars.

Fourthly, the Member said that, in spite of his repeated representations, there was no improvement in the kind of men appointed as Court Commissioners. He suggested that proper men with some experience in the Agricultural Department, preferably graduates, should be appointed as Commissioners, and that elaborate rules should also be issued laying down detailed instructions for the valuation of

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improvements. A provision should also be made requiring the presiding officers of courts to inspect the property in dispute on the application of parties.

Lastly, he urged the need for the presiding officers devoting one day in the week to execution work. At present, work in the execution branch received little or no attention of the officers, and the result was extraordinary delay and consequent inconvenience and loss to the parties.

Dewan's reply.—The Member's remarks will be referred to the High Court for opinion.

36. The desirability of investing the Tahsildar-Magistrate, Thodupuzha, with the powers of a Munsiff.

Mr. Ousep Chacko (Member, Thodupuzha taluk) observed that the civil cases in the Thodupuzha taluk, which comprised in all 561 square miles, were tried in the Muvattupuzha Munsiff's Court, and that the people of the taluk, who were already handicapped by several difficulties peculiar to the taluk, found it very difficult to establish their civil rights in the Muvattupuzha Munsiff's Court situated more than 12 miles away from Thodupuzha. The court itself experienced great difficulty to enforce the timely service of summons etc., on parties in the Thodupuzha taluk. He therefore requested that an Additional Munsiff's Court be established at Thodupuzha or that the Taluk Tahsildar be empowered to dispose of civil suits also within the taluk.

Dewan's reply.—Noted.

37. The establishment of a Munsiff's Court at Nedumangad.

Mr. Kanakku Kumaraswamy Veeriaperumal (Member, Nedumangad taluk) said that the civil cases of the taluk came under the jurisdiction of the Munsiffs' courts of Trivandrum, Neyyattinkara and Attingal and the people suffered great hardship by the above distribution. Considering the size of the taluk and the number of suits therein, the Member was of opinion that there would be sufficient work for one Munsiff in the taluk. He therefore requested that the Government might be pleased to establish a Munsiff's Court at Nedumangad.

Dewan's reply.—The Government have, after careful consideration, decided, in G. O. No. J. 9134, dated the 11th November 1914, that no new courts can be created at present. The Member is referred to that G. O.

38. The establishment of a Munsiff's Court at Changanacherri.

Mr. N. Parameswara Panikker (Member, Changanacherri taluk) said that the present arrangement of dividing the taluk into four parts so as to bring it under the jurisdiction of the munsiffs' courts at Kottayam, Alleppey, Kanjirapalli and Thiruvalla, was extremely inconvenient to the people. The inconvenience and hardship were enhanced by the distances of the several courts from their areas of jurisdiction in the taluk and by the circumstance that the people of the taluk had to go often to Changanacherri where all the other important public offices were held. He added that, in 1089, 1,448 suits were filed from the taluk in all the courts together and that that number would amply justify the establishment of a court at Changanacherri. One of the additional courts of Alleppey or Thiruvalla might, the Member proposed, be safely shifted to Changanacherri and the expenditure required for the establishment of a new court might thus be avoided. He therefore requested that the question of the establishment of a Munsiff's Court at Changanacherri might receive the early and sympathetic consideration of the Government.

Mr. Geevarghese Devasya (Member, Trading Classes, Changanacherri) pointed out that, considering the population, wealth and importance of the taluk, it sadly stood in need of a Munsiff's Court. The revenue of the taluk also warranted the same. Under the existing arrangement, the people of the taluk had to go for their civil cases to Thiruvalla, Kottayam and Alleppey. It often happened that the parties had to attend all the courts on the same day, which was impracticable. Further, all the other public offices were being held at Changanacherri and the establishment of a Munsiff's Court also would, in the opinion of the Member, conduce to public convenience. He added that the District Judge of Kottayam had recommended the

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